

02-R-0574

(Do Not Write Above This Line)

A RESOLUTION

BY COUNCILMEMBER FELICIA A. MOORE

A RESOLUTION STATING THE CITY OF ATLANTA'S SUPPORT OF THE NATIONAL LEAGUE OF CITIES POSITION OF PROTECTING LOCAL REVENUES AND TAXING AUTHORITY AND OPPOSING PREEMPTIVE EFFORTS THAT COULD CAUSE BOTH LONG-AND SHORT-TERM REVENUE SHORTAGES FOR CITIES AND LOCAL ECONOMIES, AND UNDERMINE LOCAL ZONING CONTROLS; OPPOSING EFFORTS BY THE FCC AND CONGRESS TO PREEMPT LOCAL TELECOMMUNICATIONS TAXING AND FRANCHISE AUTHORITY; AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

3/18/02

Referred To:

Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

A RESOLUTION


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Whereas, the Telecommunications Act of 1996 was passed almost 6 years ago and members of Congress are again questioning if the Act to deregulate the telecommunications industry is accomplishing increased consumer choice and lower prices, and

Whereas, the telecommunications industry is lobbying Congress to reduce and eliminate local control and taxing authority; and

Whereas, a well-funded broad coalition of industry associations are making a concerted effort to have Congress preempt the authority of local governments to set our own taxes and tax rates on telecommunications, and

Whereas, the telecommunications industry would like to mandate uniform state taxes and rates, leaving localities completely out; and

Whereas, the industry is also seeking preemptive measures from Congress, the FCC and state legislators to limit local control on the compensation and management authority of public rights-a-way.

Whereas, local governments across the nation are being threatened with industry lawsuits, preemptive regulatory measures from the Federal Communications Commission (FCC), and overbearing state and federal laws that preempt local authority.

NOW, THEREFORE BE IT RESOLVED BY THE ATLANTA CITY COUNCIL AND THE CITY OF ATLANTA, that we urge the Georgia Congressional Delegation to oppose efforts by the FCC and Congress to undermine and preempt local telecommunications taxing/franchising authority, and

Be It Further Resolved, that the City of Atlanta wants the Georgia Congressional Delegation to fight to retain the City of Atlanta and other U.S. cities' ability to control of our right-of-ways and our authority to act in the interest of our citizens, especially where local zoning is concerned; and

Be it Further Resolved, that the Municipal Clerk of the City of Atlanta is hereby directed to transmit a "true copy" of this resolution to all members to the Georgia Congressional Delegation.

National League of Cities



2002 Hot Issues

Telecommunications Fundamentals for Local Elected Officials

Protecting Local Revenues and Taxing Authority is a priority of the National League of Cities in 2002, which opposes preemptive efforts that could cause both long-and short-term revenue shortages for cities and local economies, and undermine local zoning controls.

Background

The Telecommunications Act of 1996 was passed almost 6 years ago and members of Congress are again questioning if the Act to deregulate the telecommunications industry, to increase consumer choice and lower prices is accomplishing this. The telecommunications industry is making the case to Congress that comprehensive reform of the law is needed this year. These reforms are specifically targeted at reducing or eliminating local control and taxing authority. A well-funded broad coalition of industry associations is making a concerted effort to have Congress preempt the authority of local governments to set their own taxes and tax rates on telecommunications. Instead they would mandate uniform state taxes and rates leaving localities completely out.

Public Rights-of-Way

On the issue of rights-of-way, renewed attacks on public right-of-way compensation and management authority have resurfaced. Local governments across the nation are being threatened with industry lawsuits, preemptive regulatory measures from the Federal Communications Commission (FCC), and overbearing state and federal laws that preempt local authority. Local officials believe that they must be fairly compensated

by the telecommunication industry for the use of public rights-of-way. Utilities, such as telecommunications providers, that depend upon street cuts, dispute claims that multiple cuts diminish the lifespan of roads and view these fees merely as attempts to raise revenues.

Local governments have multiple interests to protect, including right-of-way maintenance and inspection, limiting disruption and deterioration, and zoning concerns related to aesthetics, consistency with growth plans, and economic development.

At the same time, local elected officials nationwide are facing an increase in requests for use of public rights-of-way relating to the development of cable and telecommunications systems. As deregulation allows the telecommunications providers to become competitive, and the number of companies desiring to dig up streets increases, the relationship between local governments and telecommunications providers will become more difficult. Telecommunications providers are seeking preemptive measures from Congress, the FCC and state legislatures to limit local control.

►►ACTION

Contact your delegation to urge them to oppose efforts by the FCC and Congress to undermine and preempt local telecommunications taxing/franchising authority.

Make clear that municipalities must retain rights-of-way authority to act in the interest of their citizens, especially where local zoning is concerned.

Public Safety Communications/Spectrum Allocation

Reps. Jane Harmon (D-Ca.) and Curt Weldon (R-PA) recently introduced "the Homeland Emergency Response Operations (HERO) Act, (H.R. 3397). The Act is vital legislation that will ensure the nation's police, fire and other emergency responders have the broadcast frequencies they need for secure, effective and interoperable radio communications. The bill would establish a firm date to clear TV channels from the spectrum allocated for public safety in the 700 MHz band. Before the 107th Congress adjourns, it is imperative that it establishes December 31, 2006 as a firm date by which radio spectrum, allocated for public safety radio services, will be cleared of incumbent broadcast operations. Law enforcement, fire, EMS, and other public safety agencies could then count on radio spectrum for voice and data radio communications. These agencies maintain mobile radio systems for dispatching emergency personnel, delivering critical information to personnel in the field and coordinating on-scene emergency responses.

➤➤ACTION

Contact your delegation to urge them to cosponsor and support H.R. 3397, to provide that, as of December 31, 2006, TV stations will no longer occupy the spectrum reallocated for public safety. State and local governments would then be able to plan, design, fund, and construct radio systems in anticipation of this date.

➤Make clear that the federal government must increase interoperability for both voice and data, release additional spectrum for public safety and emergency management use, and eliminate interference problems in public safety communications. This is imperative for adequate public safety communications.

Municipal Ownership of Telecommunication

Although much of the recent focus on Capital Hill has been on pending broadband legislation, the telecommunications industry is also pushing Congress

on another priority item: halting the trend of municipalities to build their own telecommunications networks. Currently, federal law states "No state or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of **any entity** to provide any interstate or intrastate telecommunications service." Despite the words "any entity," the Federal Communications Commission takes the position that the words "any entity" do not necessarily apply to municipally owned utilities. As a result, Congress and several states are being pressured from the telecommunications lobby to prohibit municipally owned utilities from providing cable and Internet services even though these utilities often have taken the lead in bringing broadband access to their communities.

NLC Policy and Position

NLC supports the rapid universal deployment of high-speed Internet access, or broadband information technologies. This technology will be an important economic tool for communities by allowing individuals, businesses, hospitals, and schools to be efficiently linked together at all times and in all locations. NLC believes that, in addressing telecommunications issues, the federal government should not preempt existing local government authority. NLC urges the federal government to recognize longstanding municipal authority to assure universally available communications and information technology through municipally initiated development.

➤➤ACTION

➤Contact your delegation to strongly oppose efforts by the federal government to restrict/preempt local governments in their local efforts to provide telecommunications services to their citizens.

For more information contact:

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